

IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

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T.R.A. DOCKET ROOM

IN RE	)	
	)	
UNITED CITIES GAS COMPANY,	)	
a Division of ATMOS ENERGY	)	Consolidated Docket Nos. 01-00704 and
CORPORATION INCENTIVE	)	02-00850
PLAN (IPA) AUDIT	(	
	)	
UNITED CITIES GAS COMPANY,	)	
a Division of ATMOS ENERGY	)	
CORPORATION, PETITION TO	)	
AMEND THE PERFORMANCE	)	
BASED RATEMAKING	)	
MECHANISM RIDER	)	

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**RESPONSE OF ATMOS ENERGY CORPORATION TO THE CONSUMER  
ADVOCATE'S MOTION FOR RELIEF UNDER RULE 37.02**

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The Consumer Advocate's motion for relief under Rule 37.02 is frivolous and must be denied. Atmos Energy Corporation requests that it be awarded its costs for defending the motion. The Consumer Advocate has not stated any sufficient reason for altering the procedural schedule in this matter.

Respectfully submitted,

BAKER, DONELSON, BEARMAN  
CALDWELL, & BERKOWITZ, P.C.

By. 

Joe A. Conner, TN BPR # 12031

Misty Smith Kelley, TN BPR # 19450

1800 Republic Centre

633 Chestnut Street

Chattanooga, TN 37450-1800

(423) 752-4417

(423) 752-9527 (Facsimile)

jconner@bakerdonelson.com

mkelley@bakerdonelson.com

Attorneys for Atmos Energy Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via U.S. Mail, postage prepaid, upon the following this the 13<sup>th</sup> day of May, 2004

Russell T. Perkins  
Timothy C. Phillips  
Shilina B. Chatterjee  
Office of the Attorney General  
Consumer Advocate & Protection Division  
P.O. Box 20207  
Nashville, TN 37202

Randal L. Gilliam  
Staff Counsel  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243



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